

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF)	
Dennis R. Berman)	Examiner: Lee, Benjamin William
Application No.: 10/815,341)	Group Art Unit: 3714
Filing Date: March 31, 2004)	Confirmation Number: 8341
Title: METHODS OF SELECTING LOCK-IN TRAINING)	
COURSES AND SESSIONS)	

SUBMITTAL OF MATERIALS FROM CO-PENDING APPLICATIONS

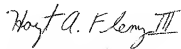
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Recently, the Federal Circuit, in *McKesson Information Solutions, Inc., v. Bridge Medical, Inc.* (2005-1517) affirmed a District Court's determination that a patent was unenforceable due to inequitable conduct. The inequitable conduct was based upon a patent attorney's nondisclosure of office actions from co-pending applications.

In light of *McKesson*, I have attached an office action from a co-pending application of the present application. You may or may not find this office action to be material to the present application.

Respectfully submitted,



Hoyt A. Fleming III
Registration No. 41752

Date: January 11, 2008

<p>Address correspondence to:</p> <p><input checked="" type="checkbox"/> <i>Customer Number or Bar Code Label</i></p> <p>28422</p>	<p>or</p> <p><input type="checkbox"/> <i>Correspondence Address Below</i></p> <p>Park, Vaughan & Fleming LLP P.O. Box 140678 Boise, ID 83714</p>	<p>Direct telephone calls to:</p> <p>Hoyt A. Fleming III (208) 336-5237</p>
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